

Meeting of 2005-7-12 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 12, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
 COL Sonny Uberti, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:50 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Linda Maquoirk, New Direction Church of God, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four
Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF CITIZEN OF THE MONTH TO ODESSA DANGERFIELD

Edwina Scott, Mayor s Commission on the Status of Women, presented the award for the Citizen of the Month for July 2005 to Odessa Dangerfield. Ms. Dangerfield is a dynamic 71 year old. She serves as the President of the Benjamin O. Davis high-rise, Senior Resident Council and serves on the Board of Commission for the high-rise. She serves very generously and always goes the extra mile. She is also a member of the Red Hat Society. Mayor Purcell presented a Certificate of Congratulations from the State of Oklahoma, a Certificate of Commendation from the Mayor s Office, and a Mayor s Do What s Right coin. Ms. Dangerfield thanked everyone for this great honor.

PRESENTATION TO JOE KRACHINSKY, ENGINEERING INSPECTOR, PUBLIC WORKS

Mayor Purcell introduced Joe Krachinsky who has been a city employee for four years. He recently saved a live while working on the job. A worker collapsed and Joe performed CPR on the individual. Mayor Purcell presented Joe with an Award of Commendation.

PROCLAMATION FOR RODEO DAYS

Mayor Purcell congratulated the Lawton Rangers who perform a valuable service to the city of Lawton through their annual event for the rodeo and as part of the Lawton Birthday Celebration. He presented Wayne Bales with a proclamation for Rodeo Days.

FIRST BATTALION 158TH FIELD ARTILLERY APPRECIATION DAY

Shoemate stated the 158th Field Artillery is a National Guard Unit made up of mostly Oklahomas. The unit will be deployed September 1st. He announced that on August 7th, from 9 am to 1 pm, the Comanche Nation Water Park will host an appreciation day for the unit members and their families to let them know that the residents are proud of the job they are doing. Mayor Purcell presented representatives of the First Battalion 158th Field Artillery with a proclamation.

CITY MANAGER INNOVATION AWARD

Larry Mitchell stated he is honored to hand out an innovation award to the City of Lawton MIS Division of the Finance Department. Rick Endicott, Finance Director, Kevin Hall, MIS Supervisor and the MIS employees

accepted the award. He stated during the 2004-2005 budget review, staff recommended and the City Council approved the separation of the communication division and the MIS division. In one short year, staff moved from a paper budgeting process to an electronic budgeting process, which greatly reduced time, confusion and cost of preparing the preliminary budget document.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF MAY 2 AND MAY 24, 2005.

MOVED by Shanklin, SECOND by Warren, to approve the Minutes of May 2 and May 24, 2005. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

CONSENT AGENDA: Shanklin requested separate consideration for item 6. Patton requested separate consideration for item 2, and Mitchell requested separate consideration for item 12.

MOVED by Shanklin, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of items 2, 6 and 12. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Southwestern Bell Telephone in the amount of \$1,440.51. Exhibits: Legal Opinion/Recommendation; Resolution No. 05-____.

2. Consider the following damage claims recommended for denial: Southwestern Bell Telephone in the amount of \$116.47, Jeannie & Terrence Dumas in the amount of \$27.00, Jeanie Wilson in the amount of \$1,033.53, and Lactetia Hunter in the amount of \$105.00.

Patton stated he just wanted to make sure he understood the facts correctly in the claim submitted by Lactetia Hunter. He stated it does not seem fair that someone gave out false information and she is expected to pay the fine.

Vincent stated it was not a fine, but a bond cost she had to pay the bonding company to get her out of jail. She does know the individual that did this to her.

Patton stated that it is her responsibility to go after that person.

Vincent stated there was no negligence on the part of the city.

MOVED by Patton, SECOND by Warren, to deny claims. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

3. Consider authorizing the City Attorney to accept the sum of Seven Thousand Dollars (\$7,000.00) for settlement of the City s subrogation interest in the personal injury case of Elaine Sanders. Exhibits: Legal Opinion/Recommendation; Resolution No. 05-____.

4. Consider approving an amendment to the Agreement between the City of Lawton and Lawton-Fort Sill Habitat for Humanity, Inc., dated January 25, 2005. Exhibits: The agreement between the City of Lawton and Lawton-Fort Sill Habitat for Humanity, Inc., dated January 25, 2005 and the Amendment to the Agreement is available for review in the City Clerk s office.

5. Consider extending the Consultant Agreement with Rebecca Zittle, Center for Educational Evaluation and Research (CEER) for a period of six (6) months, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Copy of letter from Rebecca Zittle dated June 13, 2005 and Copy of Consultant Agreement.

6. Consider awarding a construction contract to Howard Construction, Inc. and approving Change Order No. 1 for the School House Slough Restroom, Lift Station and Force Main Project #2001-17. Exhibits: None
Shanklin stated that since it is over the engineer s estimate and some revisions have been made, he questioned where would it be built.

Jerry Ihler, Public Works Director, stated the restroom will be built at School House Slough to the north of the new store. The pump station, pump and force main will go all the way around the east portion of Lake Lawtonka to the north side and tie into the lagoons that were constructed for Robinson s Landing. He stated the amount does include three miles of pipeline.

MOVED by Shanklin, SECOND by Haywood, to award a construction contract to Howard Construction, Inc. and approve

Change Order No. 1 for the School House Slough Restroom, Lift Station and Force Main Project #2001-17 in the amount of \$493,990. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

7. Consider approving an agreement between the Center for Creative Living Corporation and the City of Lawton for services to senior citizens.

8. Consider setting a date of August 23, 2005, to hold a public hearing and consider an ordinance closing a public utility easement on Lots 27 and 28, Block 8, Fields and Dunning Addition located at 1119 NW Cherry Avenue.

Exhibits: Application, Location Map, Survey, Responses from Utility Companies and Council Policy 5-1.

9. Consider approving a renewal Agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of a Community Intervention Center in Lawton and authorize execution of the renewal Agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc.

10. Consider awarding contract for Temporary Workers (CL05-058). Exhibits: Department recommendation and Abstract of Bids.

11. Consider awarding contract for Liquid Chlorine (CL05-059). Exhibits: Department recommendation and Abstract of Bids.

12. Consider awarding contract for Rigid Pneumatic Wheel Roller (CL05-056). Exhibits: Department recommendation and Abstract of Bids.

Ihler stated the recommendation in the agenda is for the lowest bidder, however, the lowest bidder is not Kirby-Smith as stated in the agenda packet. Staff is requesting that the bid be awarded to the lowest bidder which is C.L. Boyd.

MOVED by Warren, SECOND by Patton, to award contract for Rigid Pneumatic Wheel Roller to C. L. Boyd and authorize the Mayor and City Clerk to execute the contract. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

13. Consider approving the following contract extensions: Water Meters, Parts and Service (CL03-062) with Sensus Metering Systems Revenue Services Exhibits: : None. (Contracts, information from previous bid award, and letters of staff recommendations on file in Financial Services Office).

14. Consider approval of payroll for the periods of June 20 to July 3, 2005. Exhibits: None.

BUSINESS ITEMS:

15. Hold public hearings and adopt resolutions declaring the structures at: 915 SW C Avenue (Tabled 6-14-05, brought back 6-28-05), 907 NW Gore Blvd (Tabled 3-8-05), 1911 NW Ozmun Avenue, 708 NW Euclid Avenue and 1311 SW 45th Street to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Five Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

915 SW C Avenue: Melissa Laycock, Neighborhood Services Supervisor, presented photographs of the property. She stated this is a two-story office building, structurally sound and the foundation is in good condition. The interior has been damaged by a defective roof and water has caused the insulation and drop ceiling to fall to the floor. There have been no utilities since January 1998.

Shoemate questioned when the photos were taken.

Laycock stated they were taken the day before.

PUBLIC HEARING OPENED.

Steve Newcomb, attorney for the property owner, stated the building in its existing condition is not detrimental to the health, safety and welfare of the public and is not creating a fire hazard at the present time. He stated Mr. Mansell, the property owner, is in the process of removing all the old ceiling tiles and clearing out the debris on the inside of the building. When completed, this property will be a concrete building on the outside with steel frame on the inside. The building does need to be remodeled, but in his opinion, does not meet the standard for a dilapidated building. He asked the City Council to deny the request to have the property determined to be a dilapidated structure. He stated the roof has been fixed. He had a letter from Buddy Green, Ford Roofing and Sheet Metal, who examined the building and determined it to be structurally sound.

PUBLIC HEARING CLOSED.

Givens questioned what the property looked like from the outside.

Warren stated it has been cleaned up.

Shoemate stated that a month ago he and Councilmember Drewry looked at the building. He stated the outside has been cleaned up and he has seen worse businesses around town.

Warren stated that he trusts Mr. Newcomb's word and feels that Mr. Mansell is cleaning up the property with the intention of selling the building. He would recommend that they table the issue for 30 days which will give Mr. Mansell the opportunity to find a buyer for the property.

Shanklin stated he would like to table the issue for 90 days if there is a chance he will sell the property.

Jackson stated the exterior of the property has been cleaned up considerably since it was first placed on the council agenda. He is still concerned that there is a lot of business property in this town that needs attention. The public needs to take care of their own property.

Haywood stated that the Council is not being consistent with these decisions.

Shanklin stated if there is a chance the property could be sold, he is all for it.

Warren stated he has a different theory when commercial and residential property is involved. A residential building has to have someone living in it to make it viable. A commercial property simply has to have a roof and walls because the person that actually purchases the property will be responsible for doing something with the inside. As long as it is not an eyesore on the outside, he looks at commercial property a little different.

MOVED by Warren, SECOND by Shanklin, to table for 90 days. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

907 NW Gore: Laycock presented photographs of the property. She stated this is a two story main structure and two story accessory structure. The foundation on the main structure is not sound and the interior is in poor condition. The accessory structure is filled with junk and debris. There have been no utilities since September 2004 and turned on March 16, 2005. There have been no permits issued on this property, yet there has been work performed.

Patton asked why they had previously tabled this property.

Laycock stated that Daisy Christian had said there was a contract on the property.

PUBLIC HEARING OPENED.

Jerry Pilgrim, property owner, stated he had been trying to sell the property and has only received low bids. He requested more time to try to get more money out of the property. He has been living in and working on the home since April.

Shanklin clarified to Mr. Pilgrim that he had thirty days to get a permit.

Vincent stated that if the City Council approves the resolution, Mr. Pilgrim would have thirty days to get a permit to either remodel or to demolish. If he obtains a remodel permit, he would have ninety days to get half the work done. After six months he can ask the Council for an extension if he is making substantial progress.

Mr. Pilgrim stated that he has done a lot of work in the past ninety days.

Shanklin stated he has driven down the alley and could not see that he had done anything in the alley way.

Mr. Pilgrim stated he spent \$65,000 on the property in 1987, and he has done a lot of work to the property. He does not feel it is dilapidated.

Jackson stated that the City Council and Neighborhood Services has determined that something needs to be done. They are going to give Mr. Pilgrim ample time, but staff will be following up on the progress of the work.

Mr. Pilgrim stated that he realizes the City Council is trying to clean up Lawton, but he has seen stuff falling down for 15 years and his property is not nearly as bad as other properties in town.

Daisy Christian, realtor for Mr. Pilgrim, stated there was a contract on the property but the deal fell through. The buyer could not obtain funds from the bank because of the condition of the property. Since that time there have been only low offers. She encouraged the Council to give him more time, since he has moved into the property in

order to fix it up.

Mayor Purcell stated Mr. Pilgrim is going to have plenty of time to bring the property up to code.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution No. 05-120** and declare the structure at 907 NW Gore to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

1911 NW Ozmun: Laycock presented photographs of the property. She stated the structure is unoccupied but secured. Neighborhood Services has received numerous complaints from the neighbors. The city has been maintaining the property by mowing since July 1999. There have been no utilities since July 1999.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Warren, to approve **Resolution No. 05-121** and declare the structure at 1911 NW Ozmun to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

708 NW Euclid: Laycock presented photographs of the property. She stated the structure is unoccupied but secured. The apartment at the rear of the building is unsecured and full of debris. She stated the city has been maintaining the property by mowing since January 2004. There have been no utilities since January 2004.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Drewry, to approve **Resolution No. 05-122** and declare the structure at 708 NW Euclid to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Drewry. NAY: None. ABSENT: Givens. MOTION CARRIED.

1311 SW 45th: Laycock presented photographs of the property. She stated the property has been secured and mowed several times by the city. There have been no utilities since June 1997.

Laycock stated the owner had a permit until June 28th, but did nothing with the property.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 05-123** and declare the structure at 1311 SW 45th Street to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

Mayor Purcell stated that Councilmember Jackson has asked that item #34 be moved up.

34. Consider adopting a resolution to rescind Resolution No. 04-52, which condemned property at 2532 NW Fort Sill Boulevard. Excerpt of Minutes from December 8, 2003, council meeting. Excerpt of Minutes from May 11, 2004, council meeting. Exhibits: Resolution No. 05-__.

Jackson stated that the owners of the property have an opportunity to sell the property.

Ronald Williams, attorney for buyer and the seller, stated the buyer has obtained financing, but the bank will not release the funds until the lien is released. The buyer owns the structure next door to the property.

Jackson questioned if the new owner has plans to upgrade the facility.

Mr. Williams stated the buyer currently owns the laundromat and the bar to the south of the structure. He is in need of a storage facility for his businesses. He has plans to replace the roof and glass.

Vincent stated this area is zoned commercial and he is not sure that a storage facility is a permitted use in that zone.

Mr. Williams stated that the buyer will do something commercially with the facility.

Warren questioned if the buyer and seller were related.

Mr. Williams stated no.

Jackson stated that this is a blighted area and he feels that those involved have honorable intentions to upgrade the property. The City Council is not in the business of tearing down property if it can be saved and brought up to code.

Mr. Williams stated that the buyer has a note from Arvest Bank in which he has been approved for \$40,000. They have approved another 80% for remodel and repairs. There is no way that his client would not turn this into a money making venture if he is going to invest the money.

Warren stated that he just heard the word storage in the conversation and does not want the deal to fall through.

Jackson stated if the work is not done, he will be the first one to bring it back to the City Council agenda to tear down the property.

Givens questioned if there should have been a public hearing on this item.

Vincent stated the public hearing is to give the owners of the property an opportunity for notice to appear before the City Council when declaring the property dilapidated. In this case, the property is being removed from the dilapidated list.

Patton stated they need to take these individuals at their word and support this action.

MOVED by Jackson, SECOND by Warren, to approve **Resolution No. 05-124** to rescind Resolution No. 04-52. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: Givens. MOTION CARRIED.

16. Consider adopting an ordinance notifying the public of the publication of Supplement No. 12 to the Lawton City Code, 1995, and declaring an emergency. Exhibits: Ordinance No. 05 - ____.

Vincent stated that periodically they are required to supplement the code. They do this every 6-8 months. This will be the last supplement to Lawton City Code 1995. In approximately late September or October, staff will bring back a recodified code book, Lawton City Code 2005, which they are required to do every ten years.

MOVED by Warren, SECOND by Patton, to approve **Ordinance No. 05-41**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-41

An ordinance approving supplement No. 12 to the Lawton City Code, 1995, directing filing and notification of the publication of supplement No. 12 to the Lawton City Code 1995, and establishing a fee for the sale of supplement No. 12, and declaring an emergency.

17. Consider adopting an ordinance pertaining to buildings, construction and housing, amending Section 6-5-1-503, Division 6-5-1, Article 6-5, Chapter 6, Lawton City Code, 1995, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05 ____.

Vincent stated on May 10th the City Council adopted Ordinance 2005-22 and there were some technical deficiencies in that ordinance. One correction was brought back at the last Council meeting and this is the last correction.

Shanklin pointed out that this ordinance defines a dilapidated building.

Vincent stated this language was taken out of state statute.

MOVED by Shanklin, SECOND by Jackson, to approve **Ordinance No. 05-42**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-42

An ordinance pertaining to buildings, construction and housing amending Section 6-5-1-503, Division, 6-5-1, Article 6-5, Chapter 6, Lawton City Code, 1995, by modifying amendments previously made by the city to its adopted version of the International Property Maintenance Code, 2003 edition, providing for severability and declaring an emergency.

18. Consider approving an ordinance amending Section 22-2-2-223, Division 22-2-2, Article 22-2, Chapter 22, Lawton City Code, 1995, by allowing public school districts to be exempt from the water system impact fee, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05 ____

Shanklin stated that he feels that Lawton Public Schools should be exempt from the impact fee.

Warren stated that this ordinance also deletes the words cities and municipalities out of Section 1.B which may prevent problems in the future.

Vincent stated there are four school districts that have property located within the city limits. This would exclude any facility built inside the city limits.

MOVED by Shanklin, SECOND by Warren, to approve **Ordinance No. 05-43**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-43

An ordinance pertaining to utilities amending Section 22-2-2-223, Division 22-2-2, Article 22-2, Chapter 22, Lawton City Code, 1995, by allowing public school districts to be exempt from the water system impact fee, providing for severability and declaring an emergency.

19. Consider adopting an ordinance amending Section 17-1-3-124, Division 17-1-3, Article 17-1, Chapter 17, Lawton City Code, 1995, by allowing for internal personnel moves to open positions without interviewing other applicants and providing for severability. Exhibits: Ordinance No. 05-_____.

Jim Scholes, Human Resource Director, stated this ordinance would benefit the employees and citizens in enabling for succession planning and employee progression. This will also save dollars and time in filling critical positions. It does not conflict with the City Charter and was exercised up until 1998 at the department director level.

Jackson questioned if this prevented outside people from getting the opportunity to become a City of Lawton employee until every effort is made to fill the position from within the employee ranks.

Scholes stated he took exception to the term prevent. There was no thought of who would be prevented, but of who would be enabled which is the current employees.

Scholes stated this would not be practiced for every position that comes open, but for critical positions and those where the logical placement is going to happen anyway.

Jackson stated they are setting a dangerous precedent and going in a direction they really don't want to go with hiring from within.

Drewry stated it is important for employees to know they have an opportunity to move up.

Givens stated that this does not prohibit advertising for the position.

Scholes stated this does not replace any existing policy. It allows another opportunity.

Patton stated it is very important to give applicants a chance to get promoted from within. If that is cut out, it gives the perception of the good ole boy system.

Scholes stated that nothing prevents that from happening now. The City Manager has a lot of responsibility with this issue.

Mitchell stated that this gives staff a little more flexibility in certain instances. In Public Works, certain employees are required to have certain levels of certification. Other employees will not apply because they do not have that level of certification, but staff is still required to post the job and go through the interview process and look at candidates that are not qualified. He does not see this happening on a routine basis. It gives more flexibility in moving people within departments.

Warren stated that this really does not change anything because currently the department head, Human Resources and the City Manager make the decision regardless of the number of applicants. If they want to hire person B, they will pick that person regardless of who applies. This will just speed up the process.

Shanklin questioned if this only relates to those current employees. The City Manager cannot just bring someone in from the outside.

Scholes stated that is correct.

Shanklin stated he had no objection if the City Council could be informed when and why this happens.

Mayor Purcell stated that is up to the City Manager to use this ordinance as he sees fit. If they do not trust the City Manager then they have a problem. It really saves a lot of time.

John Thomas, 502 NE 48th Street, stated he is not representing the Employee Advisory Committee because the members know nothing about this ordinance. If this is approved it takes away internal and external advertisement. He stated at least now they are advertising in house which give employees an opportunity to apply if they have the qualifications. If there was no posting, the employee would never know the position was available. He does support the issue of promoting within, but he is afraid that employees will never know what positions are open. He is requesting that the City Council table the issue so that he can take it to EAC members who will contact their group.

Warren questioned what would happen if this was only applicable to management positions. Would this alleviate employee fears.

Scholes stated that a majority of the positions would be posted.

Patton questioned why the EAC has not been informed of this ordinance.

Scholes stated that he had talked with Mr. Thomas a week before and let him know this was coming to the City Council.

Mr. Thomas stated the next EAC meeting is the following Thursday. They only meet once a month.

Mayor Purcell stated that it appears everyone would like to table this item.

Patton stated this ordinance needs to go to the EAC before it comes back to City Council. This is the type of communication that needs to happen between management and the EAC, and it may alleviate a lot of the problems.

Mr. Thomas extended an open invitation for the Council to attend the EAC meetings which are held every second Thursday of the month at the Owens Multi Purpose Center.

MOVED by Warren, SECOND by Shoemate, to table for 30 days. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

20. Consider an ordinance amending Section 16-6-1-617, Division 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 1995, relating to the duties of the public at fires, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05_____

Vincent stated the following ordinances are clean up ordinances that are necessitated by state statute and will allow these violations to come before the municipal court. This item makes it illegal for any person to interfere with police and fire personnel at the scene of a fire.

MOVED by Warren, SECOND by Jackson, to approve **Ordinance No. 05-44**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate, Givens. NAY: None. ABSENT: Patton. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-44

An ordinance pertaining to offenses and crimes amending Section 16-6-1-617, Division 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 1995, relating to the duties of the public at fires, providing for severability, and declaring an emergency.

21. Consider an ordinance pertaining to alcoholic beverages, amending Section 4-1-1-107, Division 4-1-1, Article 4-1, Chapter 4, Lawton City Code, 1995, by allowing transportation of intoxicating beverages in passenger areas of limousines and commercial buses, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05_____

MOVED by Warren, SECOND by Haywood, to approve **Ordinance No. 05-45**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Drewry. NAY: Givens. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-45

An ordinance pertaining to alcoholic beverages, amending Section 4-1-1-107, Division 4-1-1, Article 4-1, Chapter 4, Lawton City Code, 1995, by allowing transportation of intoxicating beverages in passenger areas of limousines and commercial buses, providing for severability and declaring an emergency.

22. Consider an ordinance creating Section 16-3-1-323, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 1995, by prohibiting anyone from damaging, destroying, or mutilating any grave, tombstone or veteran marker, providing for severability, codification and declaring an emergency. Exhibits: Ordinance No. 05_____

MOVED by Shanklin, SECOND by Jackson, to approve **Ordinance No. 05-46**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Jackson. NAY: None. ABSENT: Drewry. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-46

An ordinance pertaining to offenses and crimes creating Section 16-3-1-323, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 1995, by prohibiting anyone from damaging, destroying or mutilating any grave, tombstone or veteran marker, providing for severability, codification and declaring an emergency.

23. Consider an ordinance amending Section 23-6-603, Article 23-6, Chapter 23, Lawton City Code, 1995, by requiring vehicles to immediately be removed from roadway, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05_____

MOVED by Warren, SECOND by Patton, to approve **Ordinance No. 05-47**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Patton, Haywood, Warren, Shoemate, Givens, Jackson, Shanklin. NAY: None. ABSENT: Drewry. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-47

An ordinance pertaining to vehicles and traffic amending Section 23-6-603, Article 23-6, Chapter 23, Lawton City Code, 1995, by requiring vehicles to immediately be removed from roadway, providing for severability and declaring an emergency.

24. Consider an ordinance creating Section 16-4-4-473, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 1995, to authorize issuance of a traffic citation for transporting a loaded pistol without a valid concealed weapon permit in a motor vehicle, providing for codification and severability. Exhibits: Ordinance No. 05_____.

MOVED by Warren, SECOND by Patton, to approve **Ordinance No. 05-48**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Jackson, Shanklin, Patton. NAY: None. ABSENT: Drewry. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-48

An ordinance pertaining to offenses and crimes creating Section 16-4-4-473, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 1995, to authorize issuance of a traffic citation for transporting a loaded pistol without a valid permit in a motor vehicle, providing for codification and severability

25. Consider an ordinance creating section 23-5-545, Article 23-5, Chapter 23, Lawton City Code, 1995, requiring drivers to devote full attention to driving, providing for codification and severability. Exhibits: Ordinance No. 05-____.

Vincent stated this is the ordinance that former Councilmember Amy Ewing-Holmstrom requested staff look into as a result of the Fort Sill policy. This is the only applicable state law that was found that specifically limits the ticket only if there is an accident.

MOVED by Warren, SECOND by Shoemate, to approve **Ordinance No. 05-49**, waive the reading of the ordinance, read the title only. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Haywood. NAY: Patton. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-49

An ordinance pertaining to vehicles and traffic creating Section 23-5-545, Article 23-5, Chapter 23, Lawton City Code, 1995, requiring drivers to devote full attention to driving, providing for codification and severability.

26. Consider an ordinance amending Section 16-5-1-512, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 1995, by expanding obscene, threatening or harassing communication to include electronic devices, and creating Section 16-2-1-207, Division 16-2-1, Article 16-2, Chapter 16, by creating a new offense of intentionally preventing or disrupting an emergency phone call, providing for codification, and severability. Exhibits: Ordinance No. 05____.

MOVED by Warren, SECOND by Patton, to approve **Ordinance No. 05-50**, waive the reading of the ordinance, read the title only. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-50

An ordinance pertaining to offenses and crimes amending Section 16-5-1-512, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 1995, by expanding obscene, threatening or harassing communications to include electronic devices, and creating section 16-2-1-207, division 16-2-1, article 16-2, chapter 16, Lawton City Code, 1995, by creating a new offense of intentionally preventing or disrupting an emergency phone call, providing for severability and codification.

27. Consider an ordinance amending Section 16-4-4-471, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 1995, by limiting authority to confiscate a firearm based solely on a traffic violation as required by state law and providing for severability. Exhibits: Ordinance No. 05__.

MOVED by Warren, SECOND by Haywood, to approve **Ordinance No. 05-51**, waive the reading of the ordinance, read the title only. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-51

An ordinance pertaining to offenses and crimes amending Section 16-4-4-471, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 1995, by limiting authority to confiscate a firearm based solely on a traffic violation as required by state law and providing for severability.

28. Consider an ordinance pertaining to offenses and crimes amending Section 16-2-1-204, Division 16-2-1, Article 16-2, Chapter 16, Lawton City Code, 1995, by adding new requirements imposed by state law when making a warrantless arrest in cases of misdemeanor domestic abuse and providing for severability. Exhibits: Ordinance No. 05__.

Shanklin questioned how police recognize a misdemeanor domestic abuse out in the field.

Vincent stated up until this new state law, if the officer or officers responding to the telephone call saw physical injury to the person making the phone call, they were authorized under the old statute, after taking pictures and documenting the physical injury, to go out and make a warrantless arrest. This puts more requirements on the officer before they can go out and make a warrantless misdemeanor arrest.

MOVED by Patton, SECOND by Warren, to approve **Ordinance No. 05-52**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Drewry, Jackson, Shanklin, Patton. NAY: Givens. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-52

An ordinance pertaining to offenses and crimes amending Section 16-2-1-204, Division 16-2-1, Article 16-2, Chapter 16, Lawton City Code, 1995, by adding new requirements imposed by state law when making a warrantless arrest in cases of misdemeanor domestic abuse and providing for severability.

29. Consider an ordinance pertaining to adult and sexually oriented businesses, amending Section 7-13-1-1318, Division 7-13-1, Article 7-13, Chapter 7, Lawton City Code, 1995, by clarifying the language in the city code regarding the restrictions upon entertainers appearing semi-nude, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05__.

MOVED by Warren, SECOND by Shoemate, to approve **Ordinance No. 05-53**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Haywood. NAY: Shanklin, Patton. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-53

An ordinance pertaining to adult businesses, sexually oriented businesses, amending Section 7-13-1-1318, Division 7-13-1, Article 7-13, Chapter 7, Lawton City Code, 1995, by clarifying the language in the city code regarding the restrictions upon entertainers appearing semi-nude, providing for severability and declaring an emergency.

30. Consider an ordinance pertaining to offenses and crimes amending Section 16-5-1-514, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 1995, by making indecent exposure an offense only if done knowingly, excluding breast-feeding as a violation and providing for severability. Exhibits: Ordinance No. 05__.

MOVED by Warren, SECOND by Drewry, to approve **Ordinance No. 05-54**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-54

An ordinance pertaining to offenses and crimes amending Section 16-5-1-514, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 1995, by making indecent exposure an offense only if done knowingly, excluding breast-feeding as a violation and providing for severability.

31. Consider an ordinance amending Sections 16-5-2-222 and 16-5-2-223, Division 16-5-2, Article 16-5, Chapter 16, Lawton City Code, 1995, by expanding the prevention of youth access to tobacco to include making it unlawful to provide any samples of tobacco; or material and/or device used in the smoking, chewing, or other method of consumption of tobacco to minors and creating Section 16-5-2-225, Division 16-5-2, Article 16-5, Chapter 16, Lawton City Code, 1995, by specifying how tobacco product will be displayed, modifying the penalties, providing for severability, codification and declaring an emergency. Exhibits: Ordinance No. 05__.

Warren questioned if the Council had to ability to impose a tax on cigarettes sold within the city limits.

Vincent stated no.

MOVED by Warren, SECOND by Patton, to approve **Ordinance No. 05-55**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-55

An ordinance pertaining to offenses and crimes amending Sections 16-5-2-222, 16-5-2-223, Division 16-5-2, Article 16-5, Chapter 16, Lawton City Code, 1995, by expanding the prevention of youth access to tobacco to include making it unlawful to provide any samples of tobacco; or materials and/or devices used in the smoking, chewing, or other method of consumption of tobacco to minors, and creating Section 16-5-2-225, Division 16-5-2, Article 16-5, Chapter 16, Lawton City Code, 1995, by specifying how tobacco products will be displayed, modifying the penalties, providing for severability, codification and declaring an emergency.

Mayor Purcell stated the State Legislature needs to change this ridiculous procedure of having to adopt all these clean up ordinance changes. It serves no useful purpose going through all these ordinances and reading each one. He suggested the City Manager contact Senator Bass and get something through the next legislative session.

Vincent stated the first part of May, staff reviews all of the laws that come in from the State Legislative Session. This year is a very heavy year.

Shanklin suggested that five City Council members just meet and approve these ordinances.

Mayor Purcell stated the law needs to be changed so that they can approve on the consent agenda.

Vincent stated that would take a change in state law and a change in the charter.

32. Consider an ordinance amending Section 23-7-701, Article 23-7, Chapter 23, Lawton City Code, 1995, by doubling the appropriate fine for speeding in school zones, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05__.

Vincent stated several weeks ago the City Council doubled the fines on passing a school bus with the red lights flashing. This ordinance is a companion ordinance, but is limited to double the fine.

MOVED by Warren, SECOND by Patton, to approve **Ordinance No. 05-56**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. ABSENT: Haywood. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-56

An ordinance pertaining to speed limits amending Section 23-7-701, Article 23-7, Chapter 23, Lawton City Code, 1995, by doubling the appropriate fine for speeding in school zones, providing for severability and declaring an emergency.

33. Consider an ordinance amending Section 1-1-119, Article 1-1, Chapter 1, Lawton City Code, 1995, to allow for exceptions established by state law, in regards to the amount of fines and costs for traffic offenses related to speeding or parking that are provided elsewhere in the Code, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05__.

MOVED by Warren, SECOND by Jackson, to approve **Ordinance No. 05-57**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY:

None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-57

An ordinance pertaining to penalties for traffic offenses amending Section 1-1-119, Article 1-1, Chapter 1, Lawton City Code, 1995, by allowing for exceptions established by state law in regards to the amount of fines and costs for traffic offenses related to speeding or parking that are provided elsewhere in the code, providing for severability and declaring an emergency.

35. Consider discussing the duties and responsibilities of the City Manager, the Mayor and members of the Council as set out in the Charter for the City of Lawton. Exhibits: City of Lawton Charter Sections: C-2-2, C-2-4, C-2-5, C-2-6, C-2-7, C-2-8, C-2-11, C-2-13, C-2-14, C-3-1, C-3-2, C-3-3, C-3-5, C-4-1 and C-4-2.

Shanklin stated he would get his questions answered during the evaluation process. He stated he is concerned about hiring practices. He is still concerned that out of 25 firemen on the list to be hired, 16 live out of the city limits. He stated he will bring this issue back at a later date.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Warren stated he would like to ask staff to bring back an agenda item to rescind the previous actions of the Council concerning the requirement for a bond for demolition and remodel permits. It has done nothing but cause problems for everyone involved, especially for voluntary demolition. He stated there needs to be something in place and asked that staff think about it and come up with a better solution.

Haywood thanked Pat Morford and Max Porter, Youth Ministers from the First United Methodist Church in Chickasha. He stated there have been church groups coming through the city and cleaning up several properties that have been an eyesore in the community.

Jackson requested that staff look into eliminating the electronic answering system currently being used in the Parks and Recreation Department.

Drewry stated that the citizens of Lawton are not protected when a construction company comes into the community and damages tress, driveways, etc. There is no one that is responsible for that damage. It ends up being the City of Lawton s responsibility and she feels that is not fair. She also has a bill from Oklahoma Lawn Irrigation dated January 2005 from damage to a resident s sprinkler system.

Vincent stated that claim needs to be filed in the City Clerk s Office. If the sprinkler system is in an easement or right of way and the City gives proper notice to move the system because we will be working in that area, we are not responsible for those bills. He asked that Councilmember Drewry contact him with the information and he will send out a claim form to that individual.

Drewry stated that in Dallas they are taking old police cars and placing them in high crime areas. This has really made a significant difference in crime in those areas.

Mayor Purcell reminded everyone of the emergency operations exercise. He encouraged everyone from the City Council to go through the exercise. He reminded the Council of the OML Conference in September and the National League of Cities conference in December. If anyone is interested in attending, please contact Lori in the City Manager s Office. He stated there will be no town hall meeting in August, but will resume in September. He requested that if there is a vacancy on any boards from certain wards, please let him know of a representative to serve. He stated everyone received a letter from Pat Henry, Chairman of the Planning Commission, requesting that a traffic study be done on Cache Road between 67th and 82nd.

Patton questioned why they needed to have a study done.

Mayor Purcell stated it will give them recommendations on how to solve the problem. He stated there is a requirement of conducting evaluations on the four contract employees. The evaluation of the Municipal Court Judge will be done on August 9th and the City Clerk s will be conducted on August 23rd. Council members will receive an appraisal form approximately one week before the meeting and will be asked to bring those forms to the executive session for the evaluation.

Mitchell distributed the LURA Downtown Redevelopment Plan which will be discussed at a public hearing on July 26th. The LURA and City Planning Commission have adopted the plan. He stated he will be on vacation the following week, and Assistant City Manager Greg Buckley will be in the office. He stated there was a small delegation that went to the BRAC hearing in San Antonio. They presented their issues and conveyed to the commission that we are fully capable of undertaking the recommended missions. Retired General Tony Stricklin did an excellent job in presenting the case for Fort Sill.

Mayor Purcell publicly commended General Stricklin who did an outstanding job in representing Fort Sill. He stated they are working diligently through the local BRAC Commission to make sure the builders and developers are ready to do what needs to be done for housing and the city is ready for infrastructure challenges.

Vincent stated the Oklahoma Municipal Attorneys Association is having a co-conference with the Oklahoma Municipal League. He will be presenting a program during that conference. He stated the Council members are more than welcome to attend any of their sessions. He stated in the middle of November, the OML and the Oklahoma Municipal Utility Providers Association is hosting their annual water conference in Oklahoma City. He is the program chair and requested if anyone has any topics ideas, please let him know.

The Mayor and Council convened in executive session at 9:21 p.m. and reconvened in regular, open session at 9:26 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Rachel Katherine Burton, DC-2005-36, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of Item 36 shown above. He said the Council discussed the facts involving the case and at this time recommended no action.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 9:29 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT